

REMARKS

Upon entry of the present Amendment, claims 1-4, 6-15, 17-23 and 29-33 will be pending in the Application.

Claim 22 has been amended to exclude oligomeric and polymeric binders, crosslinking agents, and reactive diluents that are curable with actinic radiation. Support is found at least on p. 11, lines 11-15.

Claim 33 has been added to further claim the invention. In particular, claim 33 recites that “additive (B) is selected from the group consisting of oligomeric and polymeric binders curable physically or thermally, crosslinking agents curable thermally, reactive diluents curable thermally, and mixtures thereof”. Support is also found at least on p. 11, lines 11-15.

Amendments to the claims, as set forth above, are made in order to streamline prosecution in this case by limiting examination and argument to certain claimed embodiments that presently are considered to be of immediate commercial significance. Amendment of the claims is not in any manner intended to, and should not be construed to, waive Applicants' right in the future to seek such unamended or cancelled subject matter, or similar matter (whether in equivalent, broader, or narrower form) in the present application, and any continuation, divisional, continuation-in-part, RCE, or any other application claiming priority to or through the present application, nor in any manner to indicate an intention, expressed or implied, to surrender any equivalent to the claims as pending after such amendments.

Reconsideration is respectfully requested in view of the foregoing amendments and/or following remarks.

1. **Rejection of claims 1-4, 6-15, 17-23, and 29 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of Rockrath, et al. (U.S. Patent No. 7,019,042) in view of Sciangola (U.S. Patent No. 5,064,871).**

Applicants respectfully traverse the nonstatutory obviousness-type double patenting rejection in view of the arguments below in Section 2, which are hereby incorporated by reference. Withdrawal of this rejection is respectfully requested.

2. **Rejection of claims 1-4, 6-15, 17-23, and 29-32 under 35 U.S.C. §103(a) as unpatentable over DE10042152 as translated by U.S. Patent No. 7,019,042 to Röckrath et al., hereafter “Röckrath”, in view of U.S. Patent No. 5,064,871 to Sciangola, hereafter “Sciangola”.**

Applicants and the Undersigned greatly appreciate the detailed basis of rejection from the PTO. However, Applicants respectfully traverse the rejection with regard to the currently pending claims.

The basis of rejection is essentially that it would have been obvious to use the catalyst of Sciangola in Röckrath's reaction to make a thixotropic agent comprising urea crystals. However, to establish a *prima facie* case of obviousness, there must some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings with a reasonable expectation of success, and the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143.

The instant combination of references fails to satisfy this standard for several reasons.

I. **CLAIMS 1-4, 6-15, 17-23, AND 29-33 ARE NOT OBVIOUS OVER RÖCKRATH AND SCIANGOLA**

Sciangola relates to the use of a particular catalyst combination to cure two-component compositions used as adhesives, elastomers, and coatings. Applicants' claimed invention, on the other hand, relates to providing a rheological aid containing more than 10% of an already-formed urea derivative that is the reaction product of an isocyanate compound and an amine or water co-reactant with at least one organobismuth catalyst. Applicants' invention is directed to solving the problem of providing increased levels of urea derivative (>10%) in rheological aids in order to avoid the necessity of high levels of rheological aids in the coating composition that undesirably lowers the coating

composition's solids content when urea derivatives are used at lower concentrations (see application at page 3, line 7 – page 4, line 8). Röckrath is silent with regard to using *any* catalyst to catalyze the reaction of an isocyanate with an amine, but the Office Action asserts that one skilled in the art would find it obvious to use the bismuth part of Sciangola's catalyst combination in a urea derivative as part of a rheological aid simply because it is a catalyst that is known to catalyze the reaction of isocyanate and amine. Applicants respectfully disagree.

Applicants respectfully submit that the Office Action has not shown how or why one skilled in the art, faced with the problem of how to incorporate more than 10% of urea derivative into a rheological aid without experiencing the excessive thickening that limited prior art rheological aids to 10% urea derivative content, would be motivated with any reasonable expectation of success to use *any* catalyst, much less Applicants' claimed organobismuth catalyst, to catalyze the formation of the urea derivative. That is, there is not expectation of success. If anything, common sense would indicate that a catalyst would accelerate the reaction, leading to greater viscosity increases, not less. Such an analysis is in accordance with recent Federal Circuit holdings. "Our suggestion test is in actuality quite flexible and not only permits, but *requires*, consideration of common knowledge and common sense." *See, e.g., DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1367 (Fed. Cir. 2006). Even beyond common sense, however, the lack of any expectation of success is further bolstered by Sciangola's teaching at col. 1, lines 64-67 that bismuth catalysts lead to adverse increases in viscosity.

With respect to claims 30 and 31, and putting aside the issue of viscosity increases with organobismuth catalysts for the moment, there is also no teaching or suggestion in the references that the use of an organobismuth catalyst would result in a urea derivative which can be present at a concentration greater than 10 wt%. The skilled person in the art is aware that catalysts increase the rate of chemical reactions, including polymer curing reactions. However there is no teaching or suggestion in the art that a catalyst can actually modify the physical properties of a reaction product or any composition in which a catalyst is used. The Applicants have unexpectedly found that

unlike the rheological aid of Röckrath, when an organobismuth catalyst is used in the preparation of the urea derivative, rheological aids having good processability are possible at concentrations of urea derivative of more than 14 wt.%.

Applicants submit that the combination of references fails to disclose Applicants' requirement that the rheological agent contain more than 10% by weight of the reaction product of (a1) and (a2). The Office Action asserts that Applicants' claim limitation requiring more than 10% urea derivative content is not patentably distinguishable from the 10% endpoint of the 0.1-10% range disclosed in Röckrath, and that in any case, Röckrath's disclosure that the urea content can "vary widely" constitutes a disclosure of more than 10% urea content.

Applicants respectfully disagree. Applicants have diligently searched the Röckrath, and can find no instance of any disclosure of using more than 10% urea content in a rheological aid. As to Röckrath's statement that the urea content can vary widely, Applicants point out that anything could be said to "vary widely", including a range of values within the disclosed 0.1-10% range. There is no disclosure in the Röckrath that could be fairly said to disclose rheological aids with more than 10% urea derivative content, as required by Applicants' claimed invention.

Additionally, Applicants respectfully submit that the Office Action's analysis regarding a single molecule more than 10% urea derivative content is speculative, and they point out that MPEP § 2144.05 supports an argument for *prima facie* obviousness for non-overlapping ranges *only* when one skilled in the art would expect them to have the same performance. Applicants respectfully submit that the Office Action has not shown any expectation in the art of equivalent performance to refute the position set forth at page 3 of the instant application that 10% represents an outer limit of operability for prior art urea-containing rheological aids, against which "more than 10%" *would* be patentably distinguished. Applicants point out in this regard that the mere allegation that the differences between the claimed subject matter and the prior art are obvious does not create a presumption of unpatentability that forces an applicant to prove conclusively that the Patent Office is wrong. *In re Soli*, 137 USPQ 797 (CCPA 1963).

For these reasons, Applicants respectfully submit that Applicants' required limitation of "more than 10%" by weight should be given patentable weight in distinguishing from the proposed combination of references.

With respect to limitation "(a3) at least one organobismuth catalyst", Sciangola teaches away from the use of a bismuth catalyst in the absence of a zirconium catalyst. As stated in MPEP 2144.05 III, a *prima facie* case of obviousness may be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997). Moreover, as stated in MPEP 2141.02 VI, a prior art reference must be considered in its entirety, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 154 (Fed. Cir. 1983) *cert. denied*, 469 U.S. 851 (1984).

Sciangola teaches that bismuth catalysts have a generally linear cure rate. However a curing catalyst which promotes a slow initial buildup in viscosity in order to maximize pot life, while simultaneously curing to a tack free state relatively quickly once applied was the object of Sciangola's invention (col. 1, lines 26-34). These cure rates are obtained with a combination of a bismuth and a zirconium catalyst. Thus Sciangola teaches away from the use of a bismuth catalyst alone. Since Sciangola teaches away from the compositions of claims 31 and 32, the claims are not obvious over Röckrath and Sciangola.

In response, the PTO states:

The non-linear curing rate is not seen as being required for the instantly claimed and prior art urea derivatives which are relatively low molecular weight compounds that do not require the slow initial build up of viscosity because they are of relatively narrow molecular weight ranges and of relatively low molecular weights and the viscosity therefore will not change with building molecular weight, as is understood by the ordinary skilled artisan and from the definition of "viscosity average molecular weight", and to the clearly established relationship of viscosity to molecular weight by the definition of "viscosity average molecular weight".

(Office Action of 4/14/10, paragraph spanning pp. 7-8)

Applicants must respectfully disagree. The PTO has focused on components (a1) and (a2) of component (A), and neglected the effect of component (B). As set forth on p. 11, lines 11-15, p. 12, lines 11-15, in claim 22 and in new claim 33 of the instant Application, (B) comprises oligomeric and polymeric binders curable physically or thermally, crosslinking agents curable thermally, reactive diluents curable thermally, and mixtures thereof. The skilled artisan knows that oligomeric and polymeric binders curably thermally have functionality capable or reacting thermally with crosslinking agents such as polyisocyanates and melamine-formaldehyde resins. Typically the binders have hydroxyl functionality. As such, the oligomeric and polymeric binder of component (B) is not a low molecular weight compound, and reaction of the polymeric binder (B) with polyisocyanate (a1) will in fact require a slow initial build up in viscosity in order to avoid premature crosslinking and an unacceptably short pot life.

With respect to claims 22 and 33, Röckrath does not teach all the limitations of claim 22 as herein amended and new claim 33. Claims 22 and 33 recite various materials that can make up the additive (B). The additive (B) is chosen so that it serves as the liquid reaction medium for the reaction of the compounds (a1) and (a2) in the presence of organobismuth compounds (a3) (*Specification as filed, p. 11, lines 6-9*). Röckrath teaches a specific liquid reaction medium – “at least one compound comprising at least one activatable functional group per molecule, said activatable functional group comprising at least one bond that can be activated with actinic radiation” (claim 1). In Example 1 of Röckrath, the liquid reaction medium comprises dipentaerythritol pentaacrylate (Sartomer 399), a compound that can be cured by actinic radiation. However, in contrast to the liquid reaction medium of Röckrath, oligomeric and polymeric binders, crosslinking agents, and reactive diluents which are curable by actinic radiation are excluded by instant claims 22 and 33. Röckrath fails to teach or suggest any of the components for additive (B) set forth in instant claims 22 and 33. Since the combined references fail to teach or suggest all the limitations of claims 22 and 33, the claims are not obvious over the references.

Claim 22, and in particular, claim 33 are not obvious also because surprising results are obtained when the claim limitations for component (B) are met. According to

MPEP 2145, “[u]sually, a showing of unexpected results is sufficient to overcome a *prima facie* case of obviousness. See e.g. *In re Albrecht*, 514, F.2d 1289, 1396, 185 USPQ 585, 590 (CCPA 1975)”. As set forth in the preceding paragraph, the reaction between components (a1) and (a2) takes place in the presence of component (B). In Example 1, (B) is a hydroxyl-functional methacrylate copolymer, which is capable of reacting with polyisocyanate (a1). According to the teachings of Sciangola, the bismuth catalyst (a3) is expected to afford a linear rate of cure and consequently a short pot life. In Examples 2-4 of Sciangola, pot lives of only 10, 6, and 8 minutes, respectively, are obtained when bismuth neodecanoate is used as the lone catalyst (col. 7, line 38 to col. 9, line 11). Longer, more acceptable pot lives are only obtained when the bismuth neodecanoate is combined with zirconium octoate and zirconium neodecanoate. In instant Example 1, on the other hand, (a1), (a2), and (B) are stirred for 10 minutes after mixing, already exceeding the pot life of Examples 3 and 4 of Sciangola. Moreover, the composition was “stable on storage and of outstanding processability” (p. 16, lines 22-23), despite the absence of a zirconium catalyst, which is necessary to obtain a good pot life according to the disclosure of Sciangola. Since, contrary to the disclosure of Sciangola, a long pot life is obtained with a bisumuth catalyst in the absence of a zirconium catalyst, claims 22 and 33 are not obvious over the combined references.

In support of this position, reference is made to Applicants' Example 1 of the instant specification (p. 16). In this example, component (B) is the methacrylate copolymer from Preparation Example 1 set forth in the paragraph spanning pp. 15-16. The copolymer was prepared with 337 parts by weight of hydroxyethyl methacrylate, thus providing a hydroxy functional methacrylate copolymer. When 6.29 parts of hexamethylenediisocyanate is mixed with 69.85 parts by weight of the methacrylate copolymer of Preparation Example 1, the two will react, and depending upon the rate of the reaction, a rapid build up in viscosity, premature crosslinking, and an unacceptably short pot life are possible. Therefore, control of the curing rate is in fact required in the composition of the present claims, and it is not obvious that the curing rate can be controlled in the absence of a zirconium catalyst given the teachings of Sciangola.

For all of these reasons, Applicants submit that claims 1-4, 6-15, 17-23, and 29-33 are patentable over Röckrath and Sciangola. Reconsideration and removal of the obviousness rejections are respectfully requested.

II. CLAIMS 30 AND 31 ARE NOT OBVIOUS OVER RÖCKRATH AND SCIANGOLA.

Röckrath discloses rheology control agents comprising urea derivatives, but fails to disclose rheology control agents with a urea derivative content above 10% by weight as required by Applicants' claimed invention. However, the PTO asserts that Applicants' claim limitation of "more than 10%" reads on rheology control agents that exceed the 10% limitation by a *de minimis* amount, which it asserts does not patentably distinguish from the disclosure of the reference. Applicants' claims 30 and 31, however, specify a urea derivative content of more than 14%, which is clearly not disclosed anywhere in Röckrath.

As disclosed in the present application at p. 3, line 23 – p. 4, line 20, prior art rheology control agents such as those disclosed by Röckrath have been limited to a urea derivative content of 10% because higher contents are so thick ("barely fluid") that they cannot be readily processed. The requirement of a urea derivative content of more than 14% in a rheological aid as set forth in Applicants' claims 30 and 31 is a full 40% higher than the prior art cap, and is clearly not disclosed in Röckrath. Moreover, the skilled artisan would not have expected that urea derivative contents of more than 14% in a rheological aid could be achieved through the use of a bismuth catalyst. To the contrary, the secondary Sciangola reference teaches at col. 1, lines 64-67 that bismuth catalyst-based resin systems are subject to rapid viscosity increases, which would tend to teach away from the invention of Applicants' claims 30 and 31 of using bismuth catalysts to overcome the viscosity-imposed 10% urea derivative content limitation found in the prior art. Accordingly, Applicants submit that their invention as claimed in claims 30-31 is patentable over the cited combination of references.

In response the PTO states:

It would have been obvious to one of ordinary skill in the art at the time of the instantly claimed invention to use the instantly claimed amounts of urea derivative based on the rheological aid because the relatively slight increase in going from 10% of the patentees claims to 14% or even more will not give significantly different results in the rheological aid of the patentee's claims, the larger amounts are clearly encompassed by the patentee's claim 1, for the reasons noted above, and using more concentrated rheological aids, e.g. more urea derivative therein will give only predictable results to the composition, such as predictable viscosity and thixotropy and the ability to use less of the rheology aids in the compositions they are added to, and, if the rheology aids are to be shipped, as most commercial compositions are, shipping cost per unit of rheology aid will be predictably reduced by the reduction of weight of non-thixotrope components in the rheological aid. No unexpected results are seen stemming from the use of the instantly claimed amounts of urea derivative in the rheology aid in going from 10% urea derivative to 14% urea derivative in a manner commensurate in scope with the instant claims and the cited prior art.

(Office Action of 4/14/10, paragraph spanning pp. 6-7)

Applicants appreciate the detailed bases of rejection, but must respectfully disagree. Although in absolute terms the difference between 10 wt% and 14 wt% is only 4 wt%, this 4 wt% represents a 40% increase in concentration, which is a significant increase in relative terms, not a slight increase. Although the Applicants claim a concentration range of more than 10% by weight in claim 1, the fact that more than 10 wt% encompasses 14 wt% does not in any way adversely affect Applicants' right to the narrower claim reciting more than 14 wt%. The PTO acknowledges the motivations to increase the urea derivative as provided by the Applicants' disclosure. However, the PTO implies that increasing the concentration from 10 wt% to 14 wt% is easily accomplished, and does not provide any unexpected results. Applicants respectfully disagree for the reasons set forth below.

According to MPEP 2141 II, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Objective evidence relevant to the issue of obviousness must be evaluated by Office personnel. *Id.* at 17-18, 148 USPQ at 467. Such

evidence, sometimes referred to as “secondary considerations,” may include evidence of long-felt but unsolved needs, failure of others, and unexpected results.

The PTO has argued that Röckrath’s disclosure of 10 wt% rheological aid is equivalent to 10.01 and 10.1 wt% rheological aid with rounding, and that therefore a disclosure of a specific concentration is also implicitly a disclosure of higher concentrations, presumably up to 10.5 wt%, which could be rounded to 10 wt%. However it is not possible to extrapolate concentrations of more than 14 wt% from 10 wt% by rounding.

In the disclosure of Röckrath, preferred ranges nested within the range of 0.1 to 10 wt% are provided. These preferred ranges are 0.2 to 9, 0.3 to 8, 0.4 to 7, and 0.5 to 6 wt% (col. 4, lines 44-53). Taken as a whole, this disclosure clearly establishes that Röckrath did not contemplate concentrations above 10 wt% as being practical and useful amounts of rheological aid.

The Applicants have summarized work in the field of crystalline urea rheological aids on p. 3, lines 7-21. No less than 14 patent applications and patents are cited in this passage. All this art is summarized as follows: “[t]hese known, liquid rheological aids, however, contain the crystalline urea derivatives only in an amount of up to 10 % by weight, based on a rheological aid” (p. 3, lines 23-25). Thus others have failed to develop crystalline urea derivative rheological aids at a concentration of greater than 10 wt%, and this failure has resulted in a long-felt, but unsolved need. Failure of others, and long-felt, but unsolved need are two of the secondary considerations of obviousness in the *Graham* decision. A third secondary consideration is expectation of success.

The PTO’s argument that since concentrations up to 10 wt% are known, and that higher concentrations are possible, the skilled person would be motivated to prepare higher concentrations with an expectation of success is a kind of “obvious to try” argument. However a finding of “obvious to try” is not sufficient to for a proper determination of obviousness. The requirement for a determination of obviousness is that “both the suggestion and the expectation of success must be founded in the prior art, not in applicant’s disclosure”. (Emphasis added.) *In re Dow Chem.*, 837 F.2d 469, 473, 5

U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988). An Examiner, then, cannot base a determination of obviousness on what the skilled person in the art might be motivated to try or find obvious to try. Rather, the proper test requires determining what the prior art would have led the skilled person to do with an expectation of success.

If increasing the amount of rheological aid from 10 wt% to 14 wt% is obvious, as alleged by the PTO, the question remains why was the higher concentration not reported in the art until the Applicants' discovery? It is the Applicants' position that, in view of the failure of the art to disclose concentrations greater than 10 wt%, that no expectation of success in making this modification is provided. The skilled artisan is aware that in the art of slurries or suspensions of solid particles (e.g. crystalline urea derivative) in liquid media, the fluidity and viscosity of the slurry is highly dependent on the concentration of the solid particles in the liquid medium. The Examiner acknowledges the motivation to make the concentration as high as possible. It is a reasonable assumption that since the motivation exists to use higher concentrations, and since higher concentrations have not been reported in the art prior to the Applicants' disclosure despite this motivation, then higher concentrations must have been found to afford rheological aids with a lack of fluidity or unacceptably high viscosity. Therefore there is no expectation of success in using a concentration of greater than 14 wt%. Moreover, in contrast to the teachings in the art, the Applicants have unexpectedly found that when an organobismuth catalyst is used to make the urea derivative (A), a rheological aid having a concentration of greater than 14 wt% that has "outstanding processability despite the amount of urea derivative (A)", as set forth in Example 1 (p. 16, lines 23-24), can be prepared. The Applicants are not aware of any precedent that suggests that the use of an organobismuth catalyst in the preparation of a crystalline urea rheological aid would make possible higher concentrations of rheological aids.

For all of these reasons, Applicants submit that claims 30 and 31 are patentable over Röckrath and Sciangola. Reconsideration and removal of the obviousness rejection are respectfully requested.

III. CLAIMS 29, 31, AND 32 ARE NOT OBVIOUS OVER RÖCKRATH AND SCIANGOLA.

With respect to claims 31 and 32, these claims have the limitation “(a3) a catalyst consisting essentially of one or more organobismuth catalysts”. (Emphasis added.) As such, any co-catalysts that would materially effect the product are excluded from these claims. Sciangola, on the other hand, does not teach organobismuth catalysts alone. Instead Sciangola teaches “a catalyst comprising a bismuth carboxylate and a zirconium carboxylate”. (Abstract, Emphasis added.) In the Detailed Description section, Sciangola teaches, “[t]he catalyst of the first and second aspects of the invention comprises a bismuth carboxylate and a zirconium carboxylate” (col. 3, lines 16-18).

In response, the PTO states:

There is no showing that “consisting essentially of” excludes anything from the compositions of the prior art claims because there is no showing that any additional components of the prior art materially affect the basic and novel characteristics of the instantly claimed rheological aid. See MPEP 2111.03 [R-3] Transitional Phrases.

(Office Action of 4/14/10, p. 7, first full paragraph)

Applicants appreciate the detailed basis of rejection, but must respectfully disagree. A zirconium carboxylate is excluded by claims 31 and 32, because a zirconium carboxylate would materially effect the composition. According to Sciangola:

The curing rate provided by the [inventive] catalyst is such that the initial buildup of viscosity in the reaction mixture is lower than that obtained by the use of a bismuth carboxylate alone, yet still allows for the reaction mixture to completely cure, or cure to a tack-free state, within a period of time comparable to that obtained by the use of a bismuth carboxylate alone.

(col. 1, line 64 to col. 2, line 3)

Since the zirconium carboxylate of Sciangola materially affects the cure rate, it is excluded from instant claims 31 and 32.

In response, the PTO states:

The non-linear curing rate [attributed to the zirconium catalyst] is not seen as being required for the instantly claimed and prior art urea derivatives which are relatively low molecular weight compounds that do not require the slow initial build up of viscosity because they are of relatively narrow molecular weight ranges and of relatively low molecular weights and the viscosity therefore will not change with building molecular weight, as is understood by the ordinary skilled artisan and from the definition of “viscosity average molecular weight”, and to the clearly established relationship of viscosity to molecular weight by the definition of “viscosity average molecular weight”.

(Office Action of 4/14/10, paragraph spanning pp. 7-8)

Applicants must respectfully disagree. The PTO has focused on components (a1) and (a2) of component (A), and neglected the effect of component (B). As set forth on p. 11, lines 11-15, p. 12, lines 11-15, in claim 22 and in new claim 33 of the instant Application, (B) comprises oligomeric and polymeric binders curable physically or thermally, crosslinking agents curable thermally, reactive diluents curable thermally, and mixtures thereof. The skilled artisan knows that oligomeric and polymeric binders curably thermally typically have hydroxyl functionality capable or reacting thermally with crosslinking agents such as polyisocyanates and melamine-formaldehyde resins. As such, the oligomeric and polymeric binder of component (B) is not a low molecular weight compound, and reaction of the polymeric binder (B) with polyisocyanate (a1) will in fact require a slow initial build up in viscosity in order to avoid premature crosslinking and an unacceptably short pot life.

With respect to claim 29, zirconium catalysts are positively excluded by the use of the transitional phrase “consisting of”: “(a3) a catalyst consisting of an organobismuth catalyst”. The composition obtained by combining the disclosures of Röckrath and Sciangola comprises a bismuth catalyst and a zirconium catalyst. Since claims 31 and 32 exclude zirconium catalysts because they materially affect cure rates and pot life, and claim 29 positively excludes zirconium catalysts, the composition obtained by combining Röckrath and Sciangola must be further modified by removal of the zirconium catalyst to arrive at these claims. However, no motivation for removing the zirconium catalyst has been provided. Therefore claims 29, 31, and 32 are not obvious over the combined references.

CONCLUSION

Applicants respectfully submit that the Application and pending claims are patentable in view of the foregoing remarks. A Notice of Allowance is respectfully requested. As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,

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